

Exhibit A-2

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:) Chapter 15 Case
)
FAIRFIELD SENTRY LIMITED, et al.,) Case No. 10-13164 (CGM)
)
Debtors in Foreign Proceedings.) Jointly Administered
)
FAIRFIELD SENTRY LIMITED (IN LIQUIDATION), et al.,)
)
Plaintiffs,)
) Adv. Pro. No. 10-03496 (CGM)
v.) Administratively Consolidated
)
THEODOOR GGC AMSTERDAM, et al.,)
)
Defendants.)
)
FAIRFIELD SENTRY LIMITED (IN LIQUIDATION), et al.,)
)
Plaintiffs,)
) Adv. Pro. No. 10-3636 (CGM)
v.)
)
ABN AMRO SCHWEIZ, et al.,)
)
Defendants.)
)

ORDER TO SHOW CAUSE

WHEREAS, Plaintiffs filed the operative Fourth Amended Complaints in these actions on January 9, 2020 and the Further Proposed Amended Complaints on May 14, 2021;

WHEREAS, each version of the complaints in the above-captioned actions from July 2012 through present has named an entity by the name “HSBC” as a defendant;

WHEREAS, no counsel has appeared on behalf of defendant “HSBC”;

WHEREAS, counsel for other members of the HSBC Group has represented that “HSBC” is not the name of a legal entity and that “HSBC” therefore does not exist and cannot be sued;

WHEREAS, Plaintiffs have not identified any other existing legal entity as the entity they are purporting to sue under the name “HSBC”;

WHEREAS, counsel for other members of the HSBC Group has represented that they are unaware of the true identity of the party the Liquidators intend to sue;

THEREFORE, it is hereby **ORDERED**, that Plaintiffs in the above-captioned actions shall show cause before this Court by July 26, 2021 as to why an order should not be made dismissing the claims against “HSBC” for lack of service.

Exhibit 1

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)
ABN AMRO SCHWEIZ, et al.,)
)
Defendants.)
)

DECLARATION OF NOWELL D. BAMBERGER

I, Nowell D. Bamberger, declare as follows pursuant to 28 U.S.C. § 1746:

1. I am an attorney duly admitted to practice in the State of Maryland, District of Columbia, and England and Wales, and am a partner at Cleary Gottlieb Steen & Hamilton LLP (“Cleary Gottlieb”), counsel for HSBC Securities Services (Luxembourg) S.A., HSBC Private Bank (Suisse) S.A., HSBC Bank USA, N.A. (the “HSBC Defendants”) in separate adversary proceedings forming part of the above-captioned administratively consolidated action.

2. I respectfully submit this declaration pursuant to Local Rule 9077-1 in connection with the letter dated May 21, 2021 (*Letter-Motion for Order to Show Cause or Dismissal of Non-Existent Defendant "HSBC" in Fairfield Sentry Ltd. (In Liquidation) v. ABN Amro Schweiz, Adv. Pro. Nos. 10-3635 and 10-3636 (CGM)*).
3. In its April 26, 2021 Order, the Court set a deadline of May 21, 2021 for parties to challenge service of process in this case.
4. There is an entity named in the above-captioned adversary proceedings solely as "HSBC." To the best of my knowledge and belief neither Cleary Gottlieb nor the HSBC Defendants are aware of the identity of the entity that the Liquidators are seeking to sue by that name.
5. For the reasons stated in my May 21, 2021 letter, it would be appropriate for the Court to issue an Order to Show Cause why the Liquidators' claims against the entity identified only as "HSBC" should not be dismissed for failure to serve process.
6. Under the circumstances, it is appropriate that this matter be heard by way of an Order to Show Cause, rather than by motion on notice, because – to the best of my knowledge and belief – whatever entity the Liquidators intend to sue under the name "HSBC" has not been notified that it is a party to this case and accordingly is unaware of the need to retain counsel and file a motion.
7. No previous application for similar relief has been made.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 21, 2021 in Washington, D.C.

/s/ NOWELL D. BAMBERGER

NOWELL D. BAMBERGER